



Docket No.: 10191/1847

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : GEHRKE et al.
Serial No. :
Filed : May 30, 2001
For : METHOD FOR ALLOCATING OPERATOR
CONTROL FUNCTIONS TO OPERATOR-
COMMUNICATION CONTROLS OF AN
ELECTRONIC DEVICE WHICH IS ABLE TO
EXECUTE THE FUNCTIONS OF A PLURALITY
OF ELECTRONIC DEVICE etc.

Office of Petitions
Assistant Commissioner
for Patents
Box DAC
Washington D.C. 20231

PETITION UNDER RULE 37 CFR 1.10

On May 30, 2001, the above noted application was prepared and processed for filing at the Patent and Trademark Office. This application had a priority date of May 30, 2001, based on a foreign application. On May 31, 2001, the Express Mail envelope containing the application was returned to us by the Post Office for lack of postage. Because this was an error on the part of the Post Office, we wish to petition that the filing date of May 30, 2001, be given this application.

The following steps were followed to complete the timely filing of the above-noted application:

1. Our Docket Department processed the application on May 30, 2001, by completing the Express Mail Certificate, filling out a postcard, and attaching it to the correspondence, which included the patent application transmittal, specification, claims, and drawings. All of the above was then placed in an Express Mail envelope with the Express Mail label properly addressed to the Patent Office and attached to the envelope.

Express Mail No: EL327551265US

2. The Express Mail envelope was then brought to our mailroom, where a postage stamp was affixed to the upper right hand corner of the envelope. Our mail room clerk then took this Express Mail envelope to the Bowling Green Post Office on May 30, 2001. The Post Office clerk completed and initialed the top part of the Express Mail label by inserting the date, time it was presented to the Post Office clerk, the weight, the clerk's initials and the total postage amount of \$12.25. Our mail room clerk was given a receipt copy of the Express Mail label.
3. On May 31, 2001, the Express Mail envelope was returned to us for insufficient postage, even though the total postage box of the Express Mail label had been filled out on May 30, 2001, by the Post Office clerk to include the postage of \$12.25. When we received the returned Express Mail envelope on May 31, 2001, we noticed that no postage label was affixed to it. This error may have been due to the label falling off of the envelope during handling by Post Office personnel and/or equipment.

We are enclosing Declarations from an employee of our Docket Department, who processed the application for mailing on May 30, 2001, and two of our mail room clerks, one of who is responsible for affixing postage labels to outgoing Express Mail envelopes intended for the Patent Office, and another of whom actually took the application in the Express Mail envelope to the Post Office on May 30, 2001.

We are also enclosing herewith the original application, having attached thereto the Express Mail Certificate and postcard completed by our Docket Department on May 30, 2001. Also included is a copy of the Express Mail envelope to which the Express Mail label is adhered, which shows the Post Office clerk's completion of the form, the affixation of his/her initials, and total postage paid.

It is respectfully requested that the filing date of May 30, 2001, be given this application in view of the circumstances outlined above.

Please charge the 37 C.F.R. §1.17(i) fee of \$130.00, and any other required fees, to Kenyon & Kenyon Deposit Account No. 11-0600.

Please call the undersigned attorney at (212) 425-7200 if there are any questions regarding this communication.

Respectfully submitted,

By: Richard L. Mayer (Reg. No. 22,490)

Dated: June 4, 2001

By: *Richard L. Mayer*
Richard L. Mayer
Reg. No. 22,490

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